

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA)
) Criminal No. 11-186-S
 v.)
)
JOSEPH CARAMADRE)
)
 and)
)
RAYMOUR RADHAKRISHNAN)
)
 Defendants.)

GOVERNMENT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE
RELATED TO ADVICE OF COUNSEL

The United States of America, by and through its undersigned attorneys, hereby moves the Court for an Order precluding defendants Joseph Caramadre ("Caramadre") and Raymour Radhakrishnan ("Radhakrishnan") from introducing evidence that the defendants' actions in this case were in reliance on advice of counsel.

Numerous witnesses, including defendant Caramadre, have advised the United States that in 2006 Caramadre obtained some sort of legal opinion from the law firm of Adler, Pollock & Sheehan P.C. The United States has repeatedly requested a copy of this legal opinion from Caramadre over the last several years and had been advised on each occasion that the legal opinion is a privileged communication and therefore will not be disclosed.

As this opinion has been shielded from the United States, the United States has no way of knowing what, if any, legal advice was provided to and whether Caramadre actually followed any such advice.

Given that defendant Caramadre has withheld this legal opinion as a privileged communication, neither he nor defendant Radhakrishnan should be permitted to assert any defense based on the advice of counsel, without waiving the privilege and providing a copy of the opinion to the government. Moreover, both defendants should be prohibited from referring to any legal opinions or advice of counsel they received in opening statements, arguments made to the jury, or in the introduction of evidence.

Conclusion

For the reasons set forth herein, the United States requests the Court enter an order precluding the defendants from making any argument or introducing any evidence that the defendants' actions in this case were in reliance on advice of counsel.

Respectfully submitted,

PETER F. NERONHA
UNITED STATES ATTORNEY

/s/ John P. McAdams
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November, 2012, I caused the within Government's *Motion In Limine* to be served via the Court's Electronic Filing System on:

For Joseph Caramadre:
Michael J. Lepizzera, Esq.
Anthony M. Traini, Esq.

For Raymour Radhakrishnan:
Olin Thompson, Esq.

/s/John P. McAdams
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